

# Contents

## Administrative Procedures

<b>ADMINISTRATIVE PROCEDURES .....</b>	<b>1</b>
<b>MEETINGS IN PERSON AND BY TELECONFERENCE .....</b>	<b>1</b>
<b>Travel .....</b>	<b>1</b>
Travel Status .....	1
Electronic Travel Authorization (TA) Form .....	2
Travel Expenses .....	2
Travel Advances .....	3
Internal Procedures for Commission Travel .....	3
Helpful Information .....	4
<b>Teleconference Procedures .....</b>	<b>4</b>
<b>DOCUMENTS REQUIRING COMMISSION APPROVAL.....</b>	<b>5</b>
Minutes of Meetings and Hearings .....	5
Statements of Decision .....	5
Local Boundary Commission's Annual Report to the Legislature .....	5



# ADMINISTRATIVE PROCEDURES

## MEETINGS IN PERSON AND BY TELECONFERENCE

General provisions of State law permit that “Attendance and participation at meetings by . . . members of a governmental body may be by teleconferencing.” [AS 44.62.310(a)] However, statutes governing the conduct of the Commission stipulate that it must hold hearings in, or in some cases in or near, the affected territory. This applies to hearings regarding municipal annexation and detachment [AS 44.47.581], city reclassification [AS 29.04.040(a)], municipal incorporation [AS 29.05.090], municipal merger and consolidation [AS 29.06.120] and municipal dissolution [AS 29.06.490(b)].

When laws conflict, as they may in this instance, the Alaska Supreme Court applies a rule of statutory construction that the more specific statute governs even though the general provision standing alone encompasses the same subject. [Valdez v. Dept. of Com. & Reg. Affairs, 793 P.2d at 533]

AS 44.47.575 provides, in part, that “Two members [of the Local Boundary Commission] constitute a quorum for the conduct of business at a hearing.”

Based on the above, DCED takes the position that it is best to have all members of the Commission present at a hearing in or near the affected territory, but that there should never be fewer than two members present at the hearing site if other Commission members participate by teleconference.

### Travel

The Department of Community and Economic Development arranges travel, payment of per diem, and lodging for the Commission while on travel status. Rules by which this is accomplished are set out in the State Administrative Manual.

### Travel Status

Commission members shall be considered in travel status from the time the Commission member leaves home through the time he/she returns home<sup>1</sup>.

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<sup>1</sup> Board and Commission members are not in travel status nor entitled to per diem when the meeting or other business takes place in the community of which the member is a resident (AS 39.20.180). This includes participation by teleconference.

### Electronic Travel Authorization (TA) Form

Staff will fill out the Electronic TA with your personal information, the purpose and itinerary of the trip, and the estimated costs. The TA is then submitted to Juneau for pre-travel authorization.

### Travel Expenses

Travel expenses include:

1. **Transportation Expenses.** These consist of commercial carrier fares, vehicle mileage allowances (such as distance to and from the airport), necessary taxi, bus, and other essential transportation expenses while on official state business. Staff will arrange for the purchase of all necessary tickets and will arrange for any charters necessary to transport the Commission. Typically, tickets will be electronic where available. When electronic tickets are not available, tickets will be mailed to you. Any changes to the tickets, if possible, should be made through staff to ensure compliance with State administrative rules.
2. **Meal and Incidental Expense Allowances (Per diem):** Per diem allowances are used when the Commission member is on travel status. The per diem is to cover the cost of meals and necessary incidental expenses including tips, laundry expenses, etc.

Commission members who are on travel status less than 24 hours but more than 10 hours and who return to their residence and/or duty station are also entitled to a per diem allowance if they incur meal expenses. Such allowance is limited to one-half of the meal allowance involving overnight travel (\$21.00 - see chart below). If a Commission member is provided with a meal while at a conference, training seminar, etc., the Commission member is not eligible for the related per diem allowance.

The periods and rates for meal allowances involving overnight travel are as follows (the member must be on travel status at least 3 hours during the period listed to receive that meal allowance):

Breakfast	Midnight to 10:00 am	\$9.00
Lunch	10:00 am to 3:00 p.m.	\$11.00
Dinner	3:00 p.m. to midnight	\$22.00
<b>TOTAL:</b>		<b>\$42.00</b>

3. **Lodging:** Commission members will be reimbursed for their hotel lodgings. At the end of the trip, the original hotel receipt must be sent to staff for processing. Commission staff will try, when possible and practical, to place Commission members in hotels of their choice.

A Commission member is not eligible for a lodging allowance if the Commission member chooses to stay with relatives or friends while on travel status.

When a Commission member traveling on official state business is required to stay in a community or location where no commercial lodging facilities are available, the Commission member is entitled to a noncommercial allowance of \$30 for lodging.

4. **Other Authorized Expenses:** Other expenses consist of charges for parking fees, taxi fees, shuttle bus fee's, etc. Costs not necessary to conduct official business are not authorized. **Fines for traffic or parking violations, lost keys, lost airline tickets, meal expenses or similar expenses are not authorized and will not be reimbursed.**

### **Travel Advances**

An advance of estimated per diem and lodging costs may be made to a Commission member before the member begins to travel. This amount will be 70% of the estimated per diem and lodging expenses.

### **Internal Procedures for Commission Travel**

Commission staff follow the steps listed below to regarding travel once a hearing or business meeting has been called by the Local Boundary Commission Chairperson:

1. Staff drafts an itinerary and contacts each Commission member as to the dates, times of arrival and departure, airline, and hotels.
2. After a Commission member approves the draft itinerary (with changes as directed by the Commission member), staff will reserve flights and hotels and purchase tickets. After the tickets have been delivered to the Commission staff, the "passenger receipt" from the airline tickets will be removed and retained by staff. For hotel reservations, a credit card number may be needed to guarantee a hotel room.
3. Tickets and the itinerary will be mailed to each Commission member. After the Division of Administrative Services processes the travel authorization form, an advance can be mailed to Commission members (for travel requiring an overnight stay).
4. After a trip has been completed, each Commission member needs to return to staff the following:
  - original hotel receipts;
  - original taxi receipts;
  - original shuttle bus receipts; and
  - a note indicating the number of miles that the member drove a personal vehicle while on travel status in the conduct of business of the Commission and the time and date that travel commenced (time you left your house) and the time travel ended (time you arrived at your house).

5. Staff will complete the electronic travel authorization form, attach the appropriate receipts, and submit it to the Division of Administrative Services for reimbursement.
6. In approximately 4 to 6 weeks, a final payment for per diem and reimbursement will be issued by the Division of Administrative Services. This final payment is the total of per diem and receipts, minus the travel advance. The Division of Administrative Services will mail this payment, along with a copy of the travel authorization form to the Commission member.

### **Helpful Information**

To assist staff in travel arrangement, transmittal of paperwork, and teleconference arrangements, staff would appreciate either an itinerary and contact number if a Commission member plans on being on vacation, or away from their home or office for an extended period of time. If the Commission member wishes to not be contacted, or cannot be contacted during a specific period of time, advise staff of the date of return.

### **Teleconference Procedures**

If members are planning to participate at a meeting by teleconference, staff will contact Commission members regarding the location for their particular teleconference site. Whenever possible, Commission members should attempt to participate by teleconference at a public location (e.g., municipal building, Legislative Information Office, etc.). Further, whenever practicable, the location of each teleconference site will be given in the public notice of the meeting. The location will also be noted on the meeting agenda. Staff will contact each member with the teleconference instructions in advance of the meeting.

## **DOCUMENTS REQUIRING COMMISSION APPROVAL**

### **Minutes of Meetings and Hearings**

Each meeting of the Local Boundary Commission is recorded and minutes are produced from those recordings (AS 44.47.571). Minutes are drafted and distributed to the Commission prior to a scheduled meeting. Approval of minutes is placed on the agenda.

After the minutes have been approved by the Commission, the Chairperson signs the minutes. The minutes are then filed and become part of the record of the proceedings. The recording of the meeting is preserved.

### **Statements of Decision**

After the Commission makes a decision on a petition it is required to issue a written document explaining all major considerations which led to the decision. Staff prepares a draft Statement of Decision for review by the Commission.

After the Statement of Decision is approved by the Commission, the Chairperson signs the document.

### **Local Boundary Commission's Annual Report to the Legislature**

Each year, prior to the tenth day of the regular legislative session, the Local Boundary Commission submits its annual report to the legislature. The Commission's annual report includes recommendations to the legislature regarding legislative review petitions (Article X, Section 12, Ak. Const.). Also included in the report is an overview of the Commission and its procedures, a summary of the year's activities, and a discussion of policy issues and concerns.

Staff drafts the annual report for the Commission's review. After the Commission directs staff to make changes and approves the report, it is submitted to the legislature. The report is also distributed to the Commission members and interested parties. Approximately 300 copies are distributed during the initial distribution and through out the year.

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